

John Bel Edwards  
GOVERNOR



Dr. Courtney N. Phillips  
SECRETARY

# State of Louisiana

Louisiana Department of Health  
Office for Citizens with Developmental Disabilities

## MEMORANDUM

OCDD-P-22-023  
OCDD-R-22-006  
OCDD-SC-22-016

**DATE:** August 19, 2022

**TO:** Local Governing Entities  
OCDD Support Coordination Agencies  
OCDD Provider Agencies  
Fiscal Employer Agents (FEAs)  
Self-Direction Employers

**FROM:** Julie Foster Hagan  
OCDD Assistant Secretary 

**SUBJECT:** COVID-19 PHE Exceptions August 2022 Update

The US Department of Health and Human Services declared a Public Health Emergency (PHE) for COVID-19 on January 31, 2020. Because of the ongoing PHE, in March 2020 the Office for Citizens with Developmental Disabilities (OCDD) requested and received certain program exceptions to help keep families and participants safe. These exceptions will last **until six months** after the **end of the PHE**. At this time, we remain under a federal Public Health Emergency. The federal government must consider if the Public Health Emergency will be extended every 90 days, and they make a formal announcement at that time on whether it will be extended. Therefore, we do not know the date that the federal Public Health Emergency will end. **OCDD will notify you** when we receive information on the PHE expiration, and will tell you **the end date (e.g., 6 months post PHE end date) for COVID-19 PHE K Exceptions**.

The following table details information about the current exceptions to the regulations to the OCDD Home and Community Based Waivers that are in place based on approval from CMS due to the COVID-19 Public Health Emergency.

Waiver Exceptions During COVID 19 PHE	WAIVERS IMPACTED
Conversion of Vocational program hours in the current plan of care to In-home supports	NOW(IFS) ROW (CLS) SW(in home Respite)(20 hours)
Additional 20 hours per week of family support due to school closures	Children's Choice
Allowing the participant and direct service worker (DSW) to live in the same household	NOW(IFS) ROW (CLS) SW(In home Respite) Children's Choice (FS)
Allowing legally responsible relatives as DSWs, including parents and spouses	NOW, ROW, SW, CC
Allowing an abbreviated DSW training prior to work <b>(NOT EXTENDED)</b>	All waivers
Hazard pay for individuals working with participants exposed to or infected with COVID-19 per Hazard Pay Policy <b>(LIMITED TO 40 DAYS MAXIMUM)</b>	All OCDD waivers
Virtual visits for initial, quarterly and annual meetings with support coordination and providers	all OCDD waivers
Waive 30 day continuity of care rule	ROW and NOW
The 16 hour rule, which requires that staff may not work over 16 hours in a 24 hour period, is not in effect during the pandemic. This does not require a Plan of Care revision at this time.	NOW

At this time, Supported Independent Living (SIL) visits may be done virtually only if the SIL recipient requests that they be done virtually. This requirement is under review by the Office and modifications to this requirement will be updated prior to 6 months after the end of the PHE. SIL providers will be advised at least 60 days prior to implementation of any changes.

The following are exceptions that were in place at the beginning of the COVID-19 Public Health Emergency, but they have been discontinued:

- **Background Checks:** Family members who were living in the same home as the participant who were allowed to be paid caregivers were exempt from background checks at the beginning of the pandemic. This exemption has been lifted, and all paid direct support professionals must pass a background check.
- **Plan of Care Updates:** At the beginning of the COVID public health emergency, OCDD allowed an extension of the prior authorization beyond the plan of care year without penalty. This exception is no longer in place, and **OCDD Comprehensive Plan of Care documents (CPOC) must be updated.**

- **Updated Provider Attachments Required:** At the beginning of the COVID public health emergency, OCDD allowed an extension of the provider attachments to the CPOC. This exception is no longer in place. All provider attachments were required to be updated in the first quarter of 2021. All annual plans of care submitted after December 31, 2020 will require updated provider attachments.
- **90L FORMS:** Expiring 90Ls must be updated **when the plan of care is due**, prior to holding the planning meeting. However, **90L forms that are expiring before the new CPOC**, and that **cannot be obtained** from the participant's physician (by office visit or telemedicine), can be substituted with a current statement of approval (SOA). If you have questions concerning specific 90Ls for participants please bring them to the attention of OCDD waiver staff. Current medications and a current diagnosis should be documented on the plan of care, as well as the reason the updated 90L could not be obtained. This is also the exception for the new workups: if you cannot obtain the 90L at this time use the current SOA. **OCDD HCBS Providers and Support Coordinators should make every effort to obtain the 90L form.**

This guidance supersedes the *Appendix K Exceptions Extended Memorandum* (OCDD-P-22-002, OCDD-R-22-001, OCDD-SC-22-002) issued January 14, 2022.

Please share this updated extension with ALL waiver families and participants in your care. If you have any questions please send them to [OCDD-HCBS@la.gov](mailto:OCDD-HCBS@la.gov). As always, thank you for your support in these difficult time.

